

CAUSE NO. 2018-1510-CCL2

JACK WATSON,

Plaintiff,

v.

BASIC ENERGY SERVICES, INC.,

Defendant.

§ IN THE COUNTY COURT OF

§

§

§

§ GREGG COUNTY, TEXAS

§

§

§ COUNTY COURT AT LAW NO. 2

**DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendant Basic Energy Services, Inc. ("Defendant") files this Original Answer to Plaintiff Jack Watson's ("Plaintiff") Original Petition (the "Petition") and states:

**I. GENERAL DENIAL**

Pursuant to Texas Rule of Civil Procedure 92, Defendant denies each and every allegation contained in the Petition and any amendment or supplement thereto and demands strict proof thereof as required by law.

**II. DEFENSES, INCLUDING AFFIRMATIVE DEFENSES**

Defendant asserts the following affirmative and other defenses without assuming any burden of production, persuasion, or proof that, pursuant to law, is not legally assigned to Defendant and is Plaintiff's burden to prove:

1. The Petition fails to state a claim upon which relief should be granted.
2. Defendant properly compensated Plaintiff under the Fair Labor Standards Act (the "FLSA") and all other applicable law.
3. Plaintiff was an exempt employee under the FLSA and therefore not entitled to overtime compensation. The exemptions applicable to Plaintiff include, without limitation, the



FLSA's exemption for executive employees. *See* 29 U.S.C. § 213(a)(1); 29 C.F.R. § 541.100–106.

4. All amounts owed by Defendant to Plaintiff were paid or otherwise satisfied.

5. Without assuming the burden of proof, any alleged violation of the FLSA by Defendant was not willful, and therefore all claims are limited to a two-year limitations period.

6. Plaintiff's claims are barred in whole or in part by the applicable statute of limitations, including, but not limited to, 29 U.S.C. § 255.

7. Plaintiff's claims for time allegedly worked without Defendant's actual or constructive knowledge are barred.

8. Plaintiff is not entitled to recover for noncompensable time.

9. Plaintiff may not seek wages for time that is *de minimis*.

10. Plaintiff may not seek wages for preliminary and postliminary acts under the Portal-to-Portal Act.

11. To the extent applicable, Defendant is entitled to an offset against any amounts due equal to the amount Plaintiff was overpaid and for other amounts paid to Plaintiff.

12. Plaintiff's claims are barred, in whole or in part, by the doctrines of estoppel, laches, and unclean hands.

Defendant reserves the right to assert additional affirmative defenses and other defenses as may appear applicable during the course of this litigation.

### III. PRAYER

For the foregoing reasons, Defendant prays that Plaintiff take nothing from this lawsuit and that costs be assessed against Plaintiff. Defendant further prays for such other and further relief, general and specific, at law or in equity, to which Defendant is justly entitled.



Respectfully submitted,

/s/ John B. Brown

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**ATTORNEYS FOR DEFENDANT  
BASIC ENERGY SERVICES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2018, I electronically transmitted the foregoing document to the Clerk of Court using an electronic filing system, which will transmit the foregoing document to Plaintiff's counsel of record:

Matthew R. Patton, IV  
316 N. Titus Street  
Gilmer, Texas 75644  
matthew@matthewpattonlaw.com

/s/ John B. Brown

John B. Brown

**CERTIFIED COPY CERTIFICATE**

STATE OF TEXAS COUNTY OF GREGG 3  
I hereby certify that the above, consisting of 3 pages, is a true and correct copy of the original record on file in the District Clerk's Office of Gregg County, Texas  
This 31 day of August, 20 18  
BARBARA DUNCAN, DISTRICT CLERK  
BY: A. W. Duncan, Deputy

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